UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

DEBORAH SIMMONS, Plaintiff, v CHATHAM COUNTY SHERIFF'S DEPARTMENT, and GLORIA WILSON, individually and in her official capacity as a Captain with the Sheriff's Department of Chatham County, Georgia, and THOMAS M. GILBERG, individually and in his official capacity as a Lt. Colonel with the Sheriff's Department of Chatham County, Georgia; AL ST. LAWRENCE, individually and in his official capacity as Sheriff of Chatham County, Georgia, Defendants.	* *	CIVIL ACTION NO.: 4:14-00167

ANSWER TO AMENDED COMPLAINT

COME NOW Chatham County Sheriff's Department, and Gloria Wilson, individually and in her official capacity as a Captain with the Sheriff's Department of Chatham County, Georgia, and Thomas M. Gilbert, individually and in his official capacity as a Lt. Colonel with the Sheriff's Department of Chatham County, Georgia; Al St. Lawrence, individually and in his official capacity as Sheriff of Chatham County, Georgia ("County") and files their answer to Plaintiff's Amended Complaint filed on November 25, 2014 In support thereof, County shows the following:

FIRST DEFENSE

Petitioner's Amended Complaint fails to state a claim upon which relief can be granted.

SECOND DEFENSE

Gloria Wilson, in her individual capacity is entitled to official immunity.

THIRD DEFENSE

Gloria Wilson, in her official capacity is entitled to sovereign immunity.

FOURTH DEFENSE

Thomas M. Gilbert, in his individual capacity is entitled to official immunity.

FIFTH DEFENSE

Thomas M. Gilbert, in his official capacity is entitled to sovereign immunity.

SIXTH DEFENSE

Al St. Lawrence in his individual capacity is entitled to official immunity.

SEVENTH DEFENSE

Al. St. Lawrence in his official capacity is entitled to 11th amendment immunity.

EIGHTH DEFENSE

Al St. Lawrence in his official capacity is entitled to sovereign immunity.

NINTH DEFENSE

County acted in good faith at all times and without malice.

TENTH DEFENSE

County did not discriminate against Plaintiff in any way and had legitimate, non-discriminatory, non-retaliatory reasons for their actions.]

ELEVENTH DEFENSE

Plaintiff's Amended Complaint fails to state the manner in which County allegedly violated her rights, privileges, or immunities under the Civil Rights Act of 1866, 42 U.S.C. § 1983 or 42 U.S.C. § 1981.

TWELFTH DEFENSE

County has a well publicized policy prohibiting discrimination. Any damages that Plaintiff allegedly suffered, which County continues to deny, were the direct and proximate result of Plaintiff's actions or omissions. Therefore, Plaintiff is estopped and barred from recovery of damages from County.

THIRTEENTH DEFENSE

Certain of Plaintiff's claims are barred because any impact allegedly affecting Plaintiff, which County Defendants continue to deny, is the unintended and nondiscriminatory consequence of practices and/or standards implemented pursuant to good business practices for legitimate business reasons, and/or is the result of practices and/or standards justified by business necessity.

FOURTEENTH DEFENSE

Plaintiff has failed to mitigate reasonably her claimed damages, his entitlement to which is expressly denied.

FIFTEENTH DEFENSE

Plaintiffs Amended Complaint is barred because even if Plaintiff sustained any loss, injury or damage as alleged, Plaintiff's own acts and omissions proximately caused and/or contributed to any loss, injury or damage sustained.

SIXTEENTH DEFENSE

County did not institute, maintain or implement any custom or policy which violated Plaintiff's rights.

SEVENTEENTH DEFENSE

Plaintiffs suit against Defendants is improper.

EIGHTEENTH DEFENSE

Punitive damages are not recoverable against the Defendants nor have the Defendants acted in such a manner as to render them liable for the same, nor for Plaintiff's expenses of litigation.

NINTEENTH DEFENSE

Defendants answer the numbered paragraphs of Petitioner's Amended Complaint as follows:

1. Defendants admit that Plaintiff has filed a civil rights action against County.
2. Defendants deny paragraph 2 of Plaintiff's Amended Complaint.
3. Defendants deny paragraph 3 of Plaintiff's Amended Complaint.
4. Defendants admit paragraph 4 of Plaintiff's Amended Complaint.
5. Defendants admit paragraph 5 of Plaintiff's Amended Complaint.
6. Defendants deny as pled paragraph 6 of Plaintiff's Amended Complaint.
7. Defendants admit paragraph 7 of Plaintiff's Amended Complaint.
8. Defendants admit paragraph 8 of Plaintiff's Amended Complaint.
9. Defendants admit paragraph 9 of Plaintiff's Amended Complaint.
10. Defendants deny as pled paragraph 10 of Plaintiff's Amended Complaint.
11. Defendants admit paragraph 11 of Plaintiff's Amended Complaint.

12. Defendants admit paragraph 12 of Plaintiff's Amended Complaint.

13. Defendants admit paragraph 13 of Plaintiff's Amended Complaint.

14. Defendants admit paragraph 14 of Plaintiff's Amended Complaint.

15. Defendants admit paragraph 15 of Plaintiff's Amended Complaint.

16. Defendants deny paragraph 16 of Plaintiff's Amended Complaint.

17. Defendants deny paragraph 17 of Plaintiff's Amended Complaint.

18. Defendants admit paragraph 18 of Plaintiff's Amended Complaint.

19. Defendants deny as pled paragraph 19 of Plaintiff's Amended Complaint.

20. Defendants deny as pled paragraph 20 of Plaintiff's Amended Complaint.

21. Defendants deny as pled paragraph 21 of Plaintiff's Amended Complaint.

22. Defendants deny paragraph 22 of Plaintiff's Amended Complaint.

23. Defendants admit paragraph 23 of Plaintiff's Amended Complaint.

24. Defendants admit paragraph 24 of Plaintiff's Amended Complaint.

25. Defendants deny as pled paragraph 25 of Plaintiff's Amended Complaint.

26. Defendants deny paragraph 26 of Plaintiff's Amended Complaint.

27. Defendants deny paragraph 27 of Plaintiff's Amended Complaint.

28. Defendants are without knowledge as to the facts of the allegations contained in paragraph 28 of Plaintiff's Amended Complaint and must therefore deny same.

29. Defendants deny paragraph 29 of Plaintiff's Amended Complaint.

30. Defendants deny paragraph 30 of Plaintiff's Amended Complaint.

31. Defendants deny as pled paragraph 31 of Plaintiff's Amended Complaint.

32. Defendants deny as pled paragraph 32 of Plaintiff's Amended Complaint.

33. Defendants admit paragraph 33 of Plaintiff's Amended Complaint.

34. Defendants admit that there was a meeting but deny the remaining allegations contained in paragraph 34 of Plaintiff's Amended Complaint.

35. Defendants deny paragraph 35 of Plaintiff's Amended Complaint.

36. Defendants deny paragraph 36 of Plaintiff's Amended Complaint.

37. Defendants deny paragraph 37 of Plaintiff's Amended Complaint.

38. Defendants admit paragraph 38 of Plaintiff's Amended Complaint.

39. Defendants are without knowledge as to the facts of the allegations contained in paragraph 39 of Plaintiff's Amended Complaint and must therefore deny same.

40. Defendants deny paragraph 40 of Plaintiff's Amended Complaint.

41. Defendants are without knowledge as to the facts of the allegations contained in paragraph 41 of Plaintiff's Amended Complaint and must therefore deny same.

42. Defendants are without knowledge as to the facts of the allegations contained in paragraph 42 of Plaintiff's Amended Complaint and must therefore deny same.

43. Defendants deny paragraph 43of Plaintiff's Amended Complaint.

44. Defendants deny paragraph 44 of Plaintiff's Amended Complaint.

45. Defendants admit paragraph 45 of Plaintiff's Amended Complaint.

46. Defendants admit paragraph 46 of Plaintiff's Amended Complaint.

47. Defendants admit paragraph 47 of Plaintiff's Amended Complaint.

48. Defendants deny paragraph 48 of Plaintiff's Amended Complaint.

49. Defendants admit paragraph 49 of Plaintiff's Amended Complaint.

50. Defendants admit paragraph 50 of Plaintiff's Amended Complaint.

51. Defendants admit paragraph 51 of Plaintiff's Amended Complaint.

52. Defendants deny as pled paragraph 52 of Plaintiff's Amended Complaint.

53. Defendants admit paragraph 53 of Plaintiff's Amended Complaint.

54. Defendants admit paragraph 54 of Plaintiff's Amended Complaint.

55. Defendants admit paragraph 55 of Plaintiff's Amended Complaint.

56. Defendants admit paragraph 56 of Plaintiff's Amended Complaint.

57. Defendants deny as pled paragraph 57 of Plaintiff's Amended Complaint.

58. Defendants deny as pled paragraph 58 of Plaintiff's Amended Complaint.

59. Defendants admit paragraph 59 of Plaintiff's Amended Complaint.

60. Defendants admit paragraph 60 of Plaintiff's Amended Complaint.

61. Defendants admit paragraph 61 of Plaintiff's Amended Complaint.

62. Defendants admit paragraph 62 of Plaintiff's Amended Complaint.

63. Defendants admit paragraph 63 of Plaintiff's Amended Complaint.

64. Defendants deny paragraph 64 of Plaintiff's Amended Complaint.

65. Defendants admit paragraph 65 of Plaintiff's Amended Complaint.

66. Defendants admit paragraph 66 of Plaintiff's Amended Complaint.

67. Defendants admit paragraph 67 of Plaintiff's Amended Complaint.

COUNT ONE
RETALIATION UNDER THE CIVIL RIGHTS ACT OF 1964

68. The foregoing answers to paragraphs 1 through 67 of Plaintiff's amended complaint are incorporated by reference as if set forth in full herein.

69. Defendants deny paragraph 69 of Plaintiff's Amended Complaint.

70. Defendants deny paragraph 70 of Plaintiff's Amended Complaint.

71. Defendants deny paragraph 71 of Plaintiff's Amended Complaint.

72. Defendants deny paragraph 72 of Plaintiff's Amended Complaint.

73. Defendants deny paragraph 73 of Plaintiff's Amended Complaint.

COUNT TWO
RETALIATION UNDER THE CIVIL RIGHTS ACT OF 1866 AND 1871
DEPARTMENTAL AND OFFICIAL CAPACITY LIABILITY

74. The foregoing answers to paragraphs 1 through 73 of Plaintiff's amended complaint are incorporated by reference as if set forth in full herein.

75. Defendants deny paragraph 75 of Plaintiff's Amended Complaint.

76. Defendants deny paragraph 76 of Plaintiff's Amended Complaint.

77. Defendants deny paragraph 77 of Plaintiff's Amended Complaint.

78. Defendants deny paragraph 78 of Plaintiff's Amended Complaint.

COUNT THREE
RETALIATION UNDER THE CIVIL RIGHTS ACT OF 1866 AND 1871
INDIVIDUAL CAPACITY LIABILITY

79. The foregoing answers to paragraphs 1 through 78 of Plaintiff's amended complaint are incorporated by reference as if set forth in full herein

80. Defendants deny paragraph 80 of Plaintiff's Amended Complaint.

81. Defendants deny paragraph 81 of Plaintiff's Amended Complaint.

82. Defendants deny paragraph 82 of Plaintiff's Amended Complaint.

83. Defendants deny paragraph 83 of Plaintiff's Amended Complaint.

herein.

WHEREFORE, Defendants respectfully request that Plaintiff's complaint and amended complaint be dismissed.

Respectfully submitted this 15th day of December, 2014.

[Signature Page Follows:]

s/ **R. Jonathan Hart, Esq.**(*Lead Counsel*)
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s/**Jennifer Burns, Esq.**
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CERTIFICATE OF SERVICE

This is to certify that I have on this day served the below listed party in this case in accordance with the directives from the Court Notice of Electronic Filing ("NEF") which was generated as a result of electronic filing.

S. Wesley Woolf
408 East Bay Street
Savannah, Georgia 31401
E-Mail:woolf@woolflawfirm.net

Submitted this 15th day of December, 2014.

By **s/Jennifer Burns, Esq.**
State Bar No. 330328

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